

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
Civil Docket No.: 5:09CV31-V**

WESLEY MARTIN BREWINGTON,)	
Plaintiff,)	
v.)	<u>ORDER</u>
)	
GETRAG CORPORATION,)	
Defendant.)	

THIS MATTER comes before the Court on Defendant's Motion to Dismiss pursuant to Rule 12(b)(6), and Memorandum of Law in Support, filed April 1, 2009. (Documents ##5, 6) After having carefully reviewed Defendant's motion and memorandum of law, it appears that the Defendant may be entitled to dismissal of this action as a matter of law. *See* Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975).

PLAINTIFF BREWINGTON READ THIS:

You now have the opportunity to respond to the Defendant's Motion. You may not allege new facts surrounding the events in question within your response. You should base your response and/or argument(s) solely on the allegations contained in your original Complaint and/or the Defendant's Motion to Dismiss.

You are further advised that you have thirty (30) days from the filing of this Order in which to file your response in opposition. If documents, affidavits, or unsworn declarations outside of the pleadings are submitted by you, or by the Defendant Corporation in reply, the Court may contrue the instant motion as a Rule 56 Motion for Summary Judgment. **FAILURE TO RESPOND WITHIN THIS TIME PERIOD MAY SUBJECT THIS ACTION TO DISMISSAL.**

NOW, THEREFORE, IT IS HEREBY ORDERED that the Plaintiff has thirty (30) days from the filing of this Order in which to provide a response. Defendant's reply period will be governed by the district's local rules.

Signed: May 4, 2009

A handwritten signature in black ink, reading "Richard L. Voorhees", written over a horizontal line.

Richard L. Voorhees
United States District Judge

